

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

HERBERT WIGGINS, #1370636 §  
VS. § CIVIL ACTION NO. 6:16cv1219  
SGT. NEAL, ET AL. §

ORDER OF DISMISSAL

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the court. It is therefore

**ORDERED** that Plaintiff's motion to dismiss (Dkt. #17) is **GRANTED** and the complaint is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1). All motions not previously ruled on are **DENIED**.

**So Ordered and Signed**

Feb 8, 2017

  
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Ron Clark, United States District Judge